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Paper No. 8

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OFFICE OF PETITIONS

In re Application of  
Rinaldi et al  
Application No. 09/754,663  
Filed: January 4, 2001  
Attorney Docket No. GEN-802

ON PETITION

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This is a decision on the petition under 37 CFR 1.137(b), filed May 13, 2002, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned for failure to respond in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed April 27, 2001. The Notice set a period for response of Two (2) months from the date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) having been obtained, the date of abandonment of this application is June 28, 2001.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the request for an extension of time fee submitted with the petition was subsequent to the maximum period obtainable for reply, the \$920 fee is unnecessary and will be credited to petitioner's deposit account 04-0780.

Additionally, the filing of a terminal disclaimer is unnecessary as a condition for revival pursuant to the provisions of 37 CFR 1.137(d)(3) in effect at time of filing the instant petition. Therefore, the terminal disclaimer filed with the petition will not be processed.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8859.

The application file is being forwarded to Office of Initial Patent Examination Division for further processing.



Karen Creasy  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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